

July 31, 1953

Arthur E. Bean, Jr.,

Attorney General

William H. Mossock, Jr.,
State Forester
Forestry & Recreation Commission
State House Annex

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CONCORD, N.H.

Dear Mr. Mossock:

You have requested an opinion from this office relative to the extinguishing of forest fires within the limits of a town. It is the opinion of this office that the initial responsibility for extinguishing forest fires within the limits of a town falls upon the fire wardens and deputy fire wardens. R. L. c. 233, s. 20 as amended by section 4 of chapter 244, Laws of 1949 states as follows:

"20. Fires. It shall be the duty of the wardens and deputy wardens to extinguish all brush and forest fires occurring in their town, or elsewhere when so directed by the state forester or his authorized agent, and either of them may call such assistance as he deems necessary to aid him in so doing, may require the use of vehicles or other equipment and property for that purpose and may order any road or highway closed to any motor vehicle or horse-drawn vehicle if it becomes necessary in order to safeguard the proper extinguishing of such fire; but such authority shall not interfere with the authority of chiefs of city fire departments."

An interpretation of the above section indicates that the State Forester may direct forest fire wardens to assist in the extinguishing of fires in localities other than their own towns. However, a forest fire within the limits of a town is under the jurisdiction of the local forest fire warden unless the State Forester sees fit to direct the fighting of such fire. The State Forester may also assist in fighting fires of this nature any time he is requested by the local warden or again whenever he sees fit to enter and assist.

In this connection it must be noted that the State Forester has a great deal of control over the local fire wardens, but to efficiently operate it would appear necessary for the town fire wardens to assume immediate control of a local fire.

Very truly yours,

ATB:MM

Arthur E. Bean, Jr.,
Assistant Attorney General